

Message Text

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FM SECSTATE WASHDC

TO AMCONSUL HONG KONG

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FOLLOWING REPEAT GENEVA 0691 ACTION SECSTATE INFO BERN
SAIGON VIENNA USUN JEC PARIS DTD 04 FEB

QTE

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VIENNA FOR USDEL TO CONFERENCE ON STATES/ IO RELATIONS
SURENA

EO 11652: N/A

TAGS: ICRC, PARM, VS, VN

SUBJ: PRG ISSUE AT LAW OF WAR CONFERENCE

REF: GENEVA 644

1. SUMMARY: IN DRAMATIC VOTE AFTERNOON OF FEB 4, CONFERENCE REJECTED PROPOSAL TO CONSIDER THAT SUBSTANTIVE DISCUSSION OF ALGERIAN RESOLUTION FOR INVITATION TO PRG COULD BEGIN IF ONLY SIMPLE MAJORITY FAVORED. VOTE WAS 41-41, BUT CONFERENCE RULE STATES THAT, IN EVENT OF TIE, PREPOSITION IS DEFEATED. THUS, IN APPEARING TO FAVOR PROPONENTS OF PRG BY PUTTING THEIR PROPOSAL TO VOTE, RATHER THAN OUR PROPOSAL, CHAIRMAN GRABER INADVERTENTLY WON THE BATTLE FOR US. IF HE HAD PUT THE TWO-THIRDS

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REQUIREMENT TO A VOTE, IT ALSO WOULD PROBABLY HAVE BEEN

DEFEATED BY TIE VOTE. END SUMMARY.

2. CONFERENCE HEARD MANY SPEAKERS FEB 4 ON PROCEDURAL ISSUE OF WHETHER RULE 32 (TWO-THIRDS) OR RULE 35 PARA 4 (SIMPLE MAJORITY) APPLY TO ALGERIAN RESOLUTION (GENEVA 603) ON PRG ISSUE. AT END OF SPEAKERS LIST, DURING AFTERNOON, CHAIRMAN GRABER SUGGESTED THE BEST WAY TO PUT QUESTION TO VOTE WAS TO ASK HOW MANY DELS CONSIDERED ALGERIAN RESOLUTION TO COME WITHIN FRAMEWORK OF RULE 35 (4) (SIMPLE MAJORITY). ALDRICH, USDEL SUGGESTED A MORE IMPARTIAL WAY OF PUTTING QUESTION WOULD BE WHICH DELS FAVOR RULE 35 PARA 4 AND WHICH DELS FAVOR RULE 32. GRABER AND CONFERENCE ACCEPTED THIS PROPOSAL AND ON ROLL CALL VOTE THERE WAS TIE OF 41 (IN FAVOR OF RULE 32) TO 41 (IN FAVOR OF RULE 35 PARA 4), WITH 24 ABSTENTIONS AND 32 ABSENT. AS THIS DID NOT RESULT IN A DECISION, GRABER WENT BACK TO HIS FIRST FORMULATION AND PUT QUESTION OF WHICH DELEGATIONS THINK RULE 35 PARA 4 APPLICABLE. VOTE WAS 41 IN FAVOR, 41 AGAINST, WITH 23 ABSTAINING AND 33 ABSENT. GRABER RULED THAT SIMPLE MAJORITY HAD BEEN REJECTED AND AS CONSEQUENCE ONLY ALTERNATIVE UNDER THE RULES WAS THAT TWO-THIRDS MAJORITY REQUIRED TO REOPEN DISCUSSION.

3. SOVIETS AND OTHERS ASKED FOR NEW VOTE TO BE HELD ON QUESTION OF WHETHER RULE 32 (TWO-THIRDS) APPLIED. AFTER SOME VACILLATION, GRABER SAID HE HAD MADE RULING WHICH OF COURSE SUBJECT TO CHALLENGE. BEFORE ANY CHALLENGE TO GRABER'S RULING COULD BE VOTED ON, INDIA MOVED ADJOURNMENT OF MEETING AND MOTION CARRIED 51-39-10.

4. CHAIRMAN AT PLENARY MEETING MORNING OF FEB 5 WILL BE BRILLANTES (PHILIPPINES), BECAUSE GRABER WILL (DOUBTLESS WITH RELIEF) RETURN TO BERN. CHAIRMAN OF PLENARY SESSION AFTERNOON FEB 5, WILL BE CRISTESCU (ROMANIA).

5. WE UNCERTAIN WHETHER PROPONENTS OF PRG WILL DECIDE TO PRESS CHALLENGE TO CHAIRMAN'S RULING MORNING FEB 5, BUT IF THEY DECIDE TO DO SO, WE THINK CHANCES OF CONFERENCE UPHOLDING HIS RULING ARE GOOD. MANY ABSTAINERS
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SEEM CERTAIN TO UPHOLD THE CHAIRMAN ON HIS RULING. FOLLOWING DISPOSITION OF CHALLENGE TO RULING, CONFERENCE WILL TAKE UP QUESTION WHETHER TO CONSIDER ALGERIAN DRAFT RESOLUTION. PURSUANT TO RULE 32 OF RULES OF PROCEDURE (WHICH BY NOW BEEN DETERMINED TO BE APPLICABLE), ONLY TWO SPEAKERS OPPOSING THE MOTION TO RECONSIDER ARE PERMITTED, SHOULD BE POSSIBLE TO HAVE THAT VOTE FEB 5. UNLESS THE CONFERENCE DECIDES TO DO SO BY A TWO-THIRDS VOTE,

THE ALGERIAN RESOLUTION WILL NOT BE CONSIDERED.

6. FOLLOWING VOTING BREAKDOWN (IN FRENCH ALPHABETICAL ORDER) COVERS BOTH VOTES MENTIONED PARA 2 ABOVE SINCE NO DELEGATION CHANGED ITS SUBSTANTIVE POSITION:

(A) FOR APPLICATION OF RULE 32 -- FRG, SAUDI ARABIA, AUSTRIA, BELGIUM, BOLIVIA, BRAZIL, CANADA, CHILE, CYPRUS, COSTA RICA, EL SALVADOR, SPAIN, USA, GAMBIA, GREECE, GUATEMALA, HONDURAS, IRELAND, ISRAEL, ITALY, JAPAN, JORDAN, LEICHENSTEIN, LUXEMBOURG, MALAYSIA, NICARAGUA, NEW ZEALAND, OMAN, PARAGUAY, NETHERLANDS, PHILIPPINES, REPUBLIC OF KOREA, CENTRAL AFRICAN REPUBLIC, REPUBLIC OF VIETNAM, DOMINICAN REPUBLIC, KHMER, UK, CHAD, THAILAND, TURKEY, URUGUAY.

(B) FOR APPLICATION OF RULE 35 PARA 4 -- ALGERIA, AUSTRALIA, BANGLADESH, BYELORUSSIAN SSR, BULGARIA, CONGO, CUBA, FINLAND, GABON, GHANA, GUINEA, HUNGARY, INDIA, INDONESIA, IRAQ, MADAGASCAR, MALI, MALTA, MOROCCO, MAURITIUS, MAURITANIA, MONGOLIA, NIGERIA, UGANDA, PERU, POLAND, EGYPT, LIBYA, SYRIA, YEMEN, DEMOCRATIC REPUBLIC OF KOREA, GDR, DEMOCRATIC REPUBLIC OF KOREA, GDR, DEMOCRATIC REPUBLIC OF VIETNAM, ROMANIA, SUDAN, SRI LANKA, SWEDEN, CZECHOSLOVAKIA, UKRAINE, USSR, YUGOSLAVIA.

(C) ABSTAINED -- ARGENTINA, COLOMBIA, IVORY COAST, DENMARK, UNITED ARAB EMIRATES (ON FIRST VOTE), ECUADOR, FRANCE, UPPER VOLTA, IRAN, KUWAIT, LEBANON, MEXICO, NORWAY, PAKISTAN, PANAMA, PORTUGAL, QATAR, SAN MARINO, HOLY SEE, SWITZERLAND, TRINIDAD AND TOBAGO, TUNISIA, VENEZUELA, ZAIRE.

(D) ABSENT -- AFGHANISTAN, BAHRAIN, BARBADOS, BHUTAN, BURMA, BOTSWANA, BURUNDI, CAMEROON, DAHOMEY, UAE
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(SECOND VOTE), ETHIOPIA, GUINEA-BISSAU, EQUATORIAL GUINEA, GUYANA, HAITI, ICELAND, JAMAICA, KENYA, LAOS, LESOTHO, LIBERIA, MONACO, NEPAL, NAGER, TANZANIA, RWANDA, SENEGAL, SIERRA LEONE, SOMALIA, SWAZILAND, TOGO, DEMOCRATIC YEMEN, ZAMBIA.

7. HAITI AND SENEGAL ARRIVED AT CONFERENCE TOO LATE TO BE COUNTED IN VOTE.

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